IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

-

WRIT PETITION NO : 22914 of 1994

Between:

T. Jaya Prakash, S/o.Raja Mouli,
APCO, Divisional Manager's Office Boiwada,
Karimnagar.

..... PETITIONER

AND

1. The Managing Director,

A.P.State Handloom Weavers Coop.Society Limited,
Central Office Narayanaguda, Hyderabad.
2 The State of A.P., Rep.by its Secretary to Govt.

Industries and Commerce Dept., Secretariat, Hyderabad.
3 K.Sriramulu
C/o.The Managing Director, A.P.State Handlooms Weavers

Coop.Society Limited, Central Office, Hyderabad.
4 Sri N.A.Hanmantha Rao,
C/o.The Managing Director, A.P.State Handlooms Weavers

Coop.Society Limited, Central Office, Hyderabad.
5 N.Raj Kumar,
C/o.The Managing Director, A.P.State Handlooms Weavers

Coop.Society Limited, Central Office, Hyderabad.
6 Ch.Mallesham,
C/o.The Managing Director, A.P.State Handlooms Weavers

Coop.Society Limited
Central Office, Hyderabad.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of

Mandamus directing the respondents to consider the case of the petitioner for promotion to the post of Superintendent with effect from the date of his juniors promotion with all consequential benefits such as seniority arrears of pay etc.

Counsel for the Petitioner: MR.J.R.MANOHAR RAO

Counsel for the Respondent No.1: MR.P.NAGASESHAIAH

Counsel for the Respondent No.2: G.P. for Industries &

Commerce Department

The Court made the following

ORDER:

The Writ Petition is filed with the prayer as follows:

"For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus directing the respondents to consider the case of the petitioner for promotion to the post of Superintendent with effect from the date of his juniors promotion with all consequential benefits such as seniority, arrears of pay etc., and pass such other and further orders as the Hon'ble Court may deem fit and proper."

The first respondent, as it appears from the cause title, is a Co-operative Society. There is no pleading in the affidavit filed in support of the writ petition as to how a Co-operative Society is amenable to the writ jurisdiction of this Court. There is no material to establish that though the first respondent is a Co-operative Society, it is a body satisfying the definition of the expression 'State' for the purpose of Article 12 of the Constitution of India. Neither the State has a pervasive role or control over the Society nor is there a substantial financial involvement of the State, nor the Society is a body discharging substantially the functions of the State.

In the circumstances, I do not see any reason to proceed with the merits of the case. The writ petition is, in my view, required to be dismissed as not maintainable.

Accordingly, the writ petition is dismissed. No costs.

_____

J.CHELAMESWAR, J

4th November, 2004

lsn/knk

To

1. The Managing Director,

A.P.State Handloom Weavers Cooperative Society Limited,
Central Office, Narayanaguda, Hyderabad.

2 The Secretary to Government, The State of A.P.,

Industries and Commerce Dept., Secretariat, Hyderabad.

3. Two CCs to G.P. for Industries & Commerce Department,

High Court Buildings, Hyderabad (OUT).

4. Two CD copies.